

1 DARIUS QUEEN, #305-181 \* IN THE UNITED STATES  
2 Plaintiff \* DISTRICT COURT  
3 vs. \* FOR  
4 H.D. WARD \* THE DISTRICT OF MARYLAND  
5 Defendant \* Civil Action

#1:02 CV 03885-WDQ

6 -----/

7 The deposition of SANDRA THOMAS was  
8 held on August 19, 2004, commencing at 3:11 p.m., at  
9 the Eastern Correctional Institution, Westover,  
10 Maryland, before Connie E. Bennett, Notary Public.

11

12

13

14

15

16

17

18

19

20

21 REPORTED BY: CONNIE E. BENNETT, NOTARY PUBLIC

1 APPEARANCES:

2

3 KEVIN P. SULLIVAN, ESQUIRE

4 On behalf of Plaintiff

5

6 PHIL M. PICKUS, ESQUIRE

7 On behalf of Defendant

8

9 ALSO PRESENT:

10

11 PAUL B. CAIOLA, ESQUIRE

12

13

14

15

16

17

18

19

20

21

1 THE WITNESS: No. Is that the request  
2 slip he sent in?

3 BY MR. SULLIVAN:

4 Q. Have you ever seen that document before,  
5 Sergeant?

6 A. No, I see it's a request slip.

7 Q. And the request slip states?

8 A. Okay. Yes, it would probably have been  
9 the same day that he did the interview. I would have  
10 probably seen it then. I know he put in a request  
11 slip, because I have seen the request slip. This is  
12 probably the same thing.

13 Q. And the request slip states that his cell  
14 buddy told him there would be trouble if he didn't  
15 move out of his cell, correct?

16 A. It does say that, yes.

17 Q. But he never told you or Officer Pedersen,  
18 that was your testimony?

19 A. No, he just said that he wasn't getting  
20 along with his cell buddy, and he wanted to move  
21 several cells down.

1 Q. And you didn't take that to mean that  
2 there was a threat from his cell buddy, but just that  
3 they weren't getting along?

4 A. Well, if it's a threat, why would you want  
5 to move a few doors down? I would want to get off of  
6 that tier, wouldn't you?

7 Q. The language in the slip says that there  
8 would be trouble if he didn't move out, is that  
9 correct?

10 A. That's what it says, yes.

11 Q. Did you have any other interaction with  
12 Mr. Queen prior to the January 4th interview, other  
13 than that one conversation where he told you he  
14 wanted to move out of his cell?

15 A. No, I don't believe there was any other  
16 time.

17 Q. Do you recall whether he complained to  
18 Officer Pedersen any other time about having problems  
19 with his cell buddy?

20 A. I not that I know of, no.

21 Q. Prior to the interview on January 4th,

1 2002, had you seen that request form, which is dated  
2 December 28th, 2001?

3 A. I could very well have seen it. I don't  
4 know. Most of the time, request slips, I just put  
5 them in the lieutenant's box until he returns. That  
6 is the way I do. Unless it is something that I can  
7 help him with. If he was told to put it in there, I  
8 probably put it in Lt. Ward's box, unless he mailed  
9 it to him, which he has that option.

10 Q. If you were to receive a request slip such  
11 as the one in front of you in Exhibit 17, would you  
12 have the authority to conduct the interview?

13 A. Yeah, I could do an interview.

14 Q. Is there a reason if you saw that request  
15 slip, while Lt. Ward was on vacation, that you would  
16 not do that particular interview?

17 A. Because I told him if he was in fear of  
18 his life, or if he wanted to move, I could move him  
19 to 4. But I cannot. So that's basically the same  
20 thing.

21 But I could have. He went back in the

1 cell. There weren't problems after that, until the  
2 fight. But that was in the day room. That wasn't in  
3 the cell.

4 Q. Do you specifically recall asking Mr. Ward  
5 if he was in fear for his life?

6 A. Asking?

7 Q. Mr. Queen, I am sorry. Asking Mr. Queen  
8 if he was in fear for his life?

9 A. I didn't ask him, no. I simply stated, he  
10 said he wanted a cell move. And I stated to him, I  
11 don't have the authority. Unless he is in fear of  
12 his life or refusing housing, I can take him, pack  
13 him up and take him to 4. Otherwise, I am not  
14 authorized.

15 Q. Isn't it true, Sergeant, that there are  
16 other circumstances that would give you authority to  
17 move an inmate, other than being in fear of his life  
18 or refusing housing? Such as any general threats,  
19 physical threats?

20 A. Upon inmates? Yes, you would have to move  
21 them. Fights, you move them. But I have to go

1 through the lieutenant, still. I mean, it's not my  
2 final decision.

3 Q. If an inmate were to come to you and say  
4 he was being threatened by his cell buddy, at that  
5 moment, would you not have the authority to remove  
6 him to segregated housing?

7 A. Only if he refused housing and was in fear  
8 of his life, yes, I could. He never told me that.

9 Q. Let me direct your attention back to what  
10 has previously been marked as Exhibit 13. I believe  
11 there are three questions on that form. Is that  
12 correct?

13 A. Yes.

14 Q. The first one says: Have you ever been  
15 threatened? And that would be cause, if the inmate  
16 answered yes to that question, that would be cause to  
17 remove them to administrative segregation?

18 A. If they sign that form saying that, yes.

19 Q. You would have the authority to do that  
20 without a lieutenant, correct?

21 A. Through a lieutenant, yes. I would simply

1 call a lieutenant and say, I have a person here who  
2 says he has been threatened, I have to separate him.  
3 She say fine. Or he, whoever the lieutenant would be  
4 that day.

5 Q. Would you have the authority to do that  
6 without seeking approval from a lieutenant?

7 A. No. I mean, I can separate him right  
8 then, and make sure they aren't both in the same  
9 cell, or in the same area. But he never gave that  
10 impression. He went back in the cell.

11 Q. If you read the request slip submitted by  
12 Mr. Queen, which says that there will be trouble,  
13 would you then have the authority to remove him at  
14 that point, from his cell?

15 A. Un-unh.

16 Q. Why not?

17 A. Because you would have to figure out why.  
18 He is saying trouble. All right. Was he threatened?  
19 Are you in fear of your life? Or do you want  
20 protective custody? Do you want out of this unit  
21 away from this person?



1 Q. But he wasn't asked that, at that point.

2 Is that correct? You never asked Mr. Queen if he was  
3 threatened, did you?

4 A. No.

5 Q. Could you tell me everything that you  
6 remember about that January 4th, 2002, interview?

7 A. Basically, he was upset because the  
8 lieutenant wouldn't move him, and he refused to sign  
9 the form.

10 Q. When you say he?

11 A. I am sorry, Mr. Queen. When Mr. Queen, he  
12 wouldn't move him. He was upset and then refused to  
13 sign the form.

14 Q. Mr. Queen?

15 A. Mr. Queen, I'm sorry, again. That's  
16 basically it, when I came in. That was what was  
17 going on.

18 Q. When you walked into the room, who was  
19 speaking, do you recall?

20 A. I can't remember. It was so brief, I  
21 don't remember, no. I am sorry.

1 Q. How long was the interview, or at least  
2 the portion that you witnessed?

3 A. Not very long. It doesn't take long.

4 Q. Two minutes, 30 seconds, 10 minutes?

5 A. Maybe five minutes, at the most. I can't  
6 even remember what Mr. Queen said at the time. I  
7 know he was upset because he wouldn't move, and he  
8 was demanding he move him.

9 Q. Do you recall why he was demanding that he  
10 be moved, Mr. Queen?

11 A. Because he wasn't getting along with his  
12 cell buddy, and there was this fella he knew or  
13 something, in Cell 45, that he wanted to move in  
14 with, but at the time, I don't believe, if I recall  
15 that that cell was available for him to move into.  
16 So that would have meant a switch, and you can't do  
17 that without getting everybody's approval. It don't  
18 work like that.

19 Q. So to your recollection, Cell 45, which I  
20 believe --

21 A. Was not empty for him to move into, no.

1 Q. So it's your recollection of that  
2 interview that it was Lt. Ward's decision not to move  
3 Mr. Queen?

4 A. Yes.

5 Q. Do you know why he made that decision?

6 A. He said he had nothing to base it on. And  
7 for one thing, he wouldn't have moved him anyway,  
8 until he talked to the guy in 45, if they wanted to  
9 do a switch. So he probably said no at that time.

10 Q. Do you know if Lt. Ward ever spoke to the  
11 individual in Cell 45?

12 A. I would say he probably did. He usually  
13 follows through on things. I don't remember, but I  
14 would say he probably did.

15 Q. If Lt. Ward did follow through with that  
16 individual, would there be another cell change  
17 request form?

18 A. No.

19 Q. Were you aware whether Lt. Ward spoke with  
20 Mr. Barnes, who was Mr. Queen's cellmate at the time,  
21 regarding the trouble?

1 A. No, not that I remember. -- Yes!

2 Q. So then you can only testify to what you  
3 specifically remember, I understand that.

4 A. I can't remember, because it was so many  
5 there waiting that day to talk to him. It seems like  
6 to me he was talking to him, too, to see what the  
7 problem was. But I won't swear to that, because I  
8 don't really remember. I can't do that.

9 Q. In reading Mr. Queen's request slip, does,  
10 would you consider that a threat?

11 A. No.

12 Q. What does that mean to you, there will be  
13 trouble?

14 A. Could mean a lot of things. He's not  
15 going to make his life easy while he is in the same  
16 cell with him, for some reason or another. I don't  
17 know, it could mean a lot of things.

18 Q. Have you ever had the opportunity to meet  
19 Mr. Barnes?

20 A. Yes.

21 Q. Do you regard Mr. Barnes as a violent

1 individual?

2 A. No.

3 Q. Do you know if Mr. Barnes had any other  
4 incidents, or if he was ever accused of assault while  
5 housed at ECI?

6 A. It's a possibility. I don't get to see  
7 the records.

8 Q. So you weren't specifically involved with  
9 any incident where Mr. Barnes assaulted him?

10 A. I was there the day, but he never said  
11 Mr. Barnes assaulted him.

12 Q. When you're referring to the day?

13 A. When he got hurt in the day room.

14 Q. The January 12th incident?

15 A. Yes.

16 Q. Are you aware of any other occasions where  
17 Mr. Queen was complaining about his cellmate, other  
18 than the alleged interview on January 4th and the  
19 meeting you had with him when he was new?

20 A. No. As a matter of fact, after that, he  
21 went back in the cell, and as far as I knew, they got

1 along. I never heard nothing else out of it.

2 Q. Other than the assault on January 12th?

3 A. And how many days later was that?

4 Q. If my math is correct, it would be eight.

5 A. Oh, yeah. No, he never said nothing else  
6 after that.

7 Q. Do you know how Mr. Queen got to  
8 Lt. Ward's office?

9 A. He would have to walk.

10 Q. Would he have to be escorted to Lt. Ward's  
11 office?

12 A. Oh, no, no.

13 Q. He would have access to Lt. Ward's office?

14 A. Oh, yes, yes. I'm sorry. I wasn't being  
15 smart.

16 Q. I should have asked more precisely. Did  
17 you take notes of the interview?

18 A. No.

19 Q. You didn't record the interview?

20 A. Can't do that.

21 Q. Is there anything else you specifically

1 recall about the meeting, what was said from either  
2 Mr. Queen or Mr. Ward?

3 A. No, I can't think of anything that was  
4 significant, no.

5 Q. Was it your decision to deny Mr. Queen's  
6 request for a cell change?

7 A. No, it isn't my decision. I don't have  
8 that.

9 Q. Did you have any say in that decision at  
10 all?

11 A. No, I can just simply tell him that  
12 somebody is requesting a cell move and has been told  
13 to put in a request slip. But no, I don't have any  
14 say.

15 Q. But you do conduct these interviews?

16 A. Uh-huh.

17 Q. So in that situation, you do have a say.  
18 You make a determination whether someone should be  
19 moved to administrative segregation.

20 A. Yes.

21 Q. But in this particular incident it wasn't

1 your decision, is that correct?

2 A. No.

3 Q. It was Lt. Ward?

4 A. It's always the lieutenant's decision. A  
5 sergeant or a CO-2 cannot do that.

6 Q. You keep referring to it as a cell move,  
7 as opposed to the request for administrative  
8 segregation. Why is that?

9 A. Oh, you're talking about the request for  
10 administrative segregation?

11 Q. I am talking about during the interview.

12 A. He didn't want it. He didn't want to go  
13 to 4. He made that very clear.

14 Q. He made that clear the first time you  
15 spoke with him?

16 A. Uh-huh.

17 Q. Did he also make that clear in the  
18 interview?

19 A. Yes.

20 Q. He made clear, he told Mr. Ward that he  
21 did not want to move to administrative segregation?



1           A.     He said he wasn't in fear of his life, he  
2     just wanted out of that cell.

3           Q.     Were you there when Mr. Ward asked him the  
4     first question on that sheet, which is, Have you been  
5     threatened?

6           A.     I don't believe I was. I walked in. No,  
7     I don't think I was. If he, you know, wasn't, if he  
8     was, he would have checked yes. It would have been  
9     no problem. There is no problem, I mean, that's no  
10    problem to move him to 4.

11                   But to move him to a cell simply because  
12    he wants to move, because he doesn't get along with  
13    his cell buddy, you can't always do that. You're  
14    talking 96 inmates on this tier. You just can't do  
15    it all the time.

16                   Now, we could, yes, if he was in fear of  
17    his life, or if he wanted P-C, there would have been  
18    no problem. Lt. Ward would have had him back and out  
19    of there in no time. That wouldn't have been a  
20    problem. But he never questioned any of that. He  
21    said no.

1           Q.     You did you hear Mr. Queen specifically  
2     say no during that January 4th interview that he did  
3     not want to be moved to the administrative  
4     segregation?

5           A.     He wasn't asked if he wanted to be moved  
6     to administrative segregation.

7           Q.     What exactly was he asked?

8           A.     In other words, are you in fear of your  
9     life? We can move you, is basically what this form  
10    is.

11          Q.     There are other reasons on that form,  
12    other than just being in fear of your life?

13          A.     That's right.

14          Q.     You don't recall Mr. Ward asking Mr. Queen  
15    any of the other questions on that?

16          A.     Yes, he asked. You have to ask all of  
17    them. You check them off as you ask them.

18          Q.     But you weren't there while he was asking  
19    the questions, is that correct?

20          A.     Yeah, I probably was there for most of it.  
21    Maybe not all of it, but yes, and I signed it, yes.

1 Q. You seem to qualify that a little bit,  
2 saying you probably --

3 A. I was standing outside the door. I  
4 remember when he was in there, I was standing outside  
5 the door, because there was such a line.

6 Then I got in there and, no, he never  
7 said, he never answered yes to either one when I was  
8 there.

9 Q. Did you draw any conclusions about why  
10 Mr. Queen was in fear or was threatened?

11 A. What do you mean, conclusion?

12 Q. Were you under the impression that  
13 Mr. Queen was ever threatened?

14 A. No.

15 Q. In reading the portion of Exhibit 17 in  
16 front of you now, if you would have read that when it  
17 was submitted on December 28th, 2001, would that  
18 have, would you have been under the impression that  
19 he was in fear of his safety, or was threatened at  
20 that time?

21 A. No. Because he would have told, I have

1     been threatened, I am in fear of my life. I want out  
2     of this cell. It's that simple. That's all he had  
3     to do. He would have been moved out of the cell.  
4     But that does not say that.

5           Q.     If there was any documented threat, would  
6     an inmate be moved immediately?

7           A.     What do you mean, documented?

8           Q.     If an inmate were to write a note and say,  
9     I am being threatened, and hand it to an officer,  
10    would he be moved immediately?

11          A.     You would take him out of the cell and do  
12    an interview and you would interview his cell buddy.

13          Q.     Would you always interview the cell buddy?

14          A.     In that case, yes, because he is accusing  
15    that, that is an infraction. He is accusing that  
16    inmate of threatening his life.

17          Q.     And you would use the same form when you  
18    interviewed the inmate, as well?

19          A.     Yes.

20          Q.     Would you interview anybody else? Would  
21    you interview any of the officers on the tier that

1 may have overheard something or anything like that?

2 A. They will tell you. You wouldn't have to  
3 interview them, they would tell you.

4 Q. You mean the officers would come and tell  
5 you if there was a problem?

6 A. Yeah.

7 Q. Would you consider, would the temperament  
8 of the person allegedly making the threat ever be  
9 considered in whether --

10 A. We're not psychologists, no.

11 Q. No, if you had an inmate that was known to  
12 be particularly violent?

13 A. Well, he wouldn't be there. What do you  
14 mean by violent? Violent is not housed with general  
15 population.

16 Q. If there is an incident and an inmate is  
17 violent toward another inmate, what would happen into  
18 that inmate?

19 A. If he is violent?

20 Q. Yes.

21 A. He would get locked up.

1 Q. For how long?

2 A. For however long the hearing officer  
3 determines.

4 Q. And then at the end of that period of  
5 time, he would be put back in general population,  
6 correct?

7 A. Probably not in the same side, or the same  
8 compound. He would either go to West, East, or up  
9 the road. He wouldn't be housed in the same  
10 compound, no.

11 Q. Why did you sign Mr. Queen's cell change  
12 interview form?

13 A. Because he refused to sign it.

14 Q. And Lt. Ward signed it, is that correct?

15 A. Uh-huh.

16 Q. So why would you also have to sign it?

17 A. Because he refused to sign it.

18 Q. Is that a policy?

19 A. It used to always be, any time, like when  
20 we do pack-ups. They refuse to sign them, it  
21 requires two officers' signatures. A lot of things,

1 give them a ticket. They refuse sign it, two  
2 officers' signatures.

3 Q. What do you mean by pack-ups? You said  
4 when you do pack-ups.

5 A. Okay. Say it's a fight. I'm packing this  
6 guy up, and we inventory his stuff on an inventory  
7 form. Down to the bottom it requires two officers'  
8 signatures and the inmate's. If the inmate refuses  
9 to sign, of course the two officers sign it anyway.

10 Same way with a ticket. There is a place  
11 for the inmate to sign. If he refuses to sign, two  
12 officers sign that he was given the ticket.

13 Q. Does that happen often with the cell  
14 change interview forms?

15 A. No. Most of the time if they say no, no,  
16 no, that's the end of the story, you know.

17 Q. When you say that's end of story, what  
18 happens?

19 A. Then you keep them on file.

20 Q. Is the interview with Darius Queen the  
21 only time you have ever witnessed an inmate refusing

1 to sign?

2 A. Oh, no. I have done it before. Oh, no.

3 Q. You have had another officer?

4 A. Usually if they say no, no, no, and the  
5 inmate isn't, is persistent on still moving into the  
6 cell, or what have you, why, different circumstances,  
7 yes. You will have two officers sign it.

8 Q. And you said earlier that it get filed.  
9 Where exactly does it get filed?

10 A. Lieutenant's office.

11 Q. Does it get filed anywhere else?

12 A. Not that I know of. Well, it says base  
13 file, so I guess he gets a copy.

14 Q. You say, he, you mean it goes in the  
15 inmate's base file?

16 A. I guess. It says so, unless they don't  
17 that no more. I don't know, because they've done  
18 away with so much. As far as I know, the lieutenant  
19 just files it.

20 Q. In the file in his office?

21 A. Yes, he has the file just for him.



1 Q. Did Lt. Ward ask you to sign that?

2 A. Yes.

3 Q. Do you have a specific recollection of him  
4 asking you to sign this?

5 A. Yes.

6 Q. Was Mr. Queen there?

7 A. Yes.

8 Q. And do you recall Mr. Queen refusing to  
9 sign the document?

10 A. Yes.

11 Q. Did he give a reason why he refused to  
12 sign?

13 A. He didn't get his cell moved, that's about  
14 -- they have that right. They don't have to sign  
15 them.

16 Q. I understand. Did Mr. Queen seem angry?

17 A. Yes. Mr. Queen was angry because he  
18 didn't get his cell moved.

19 Q. And he just refused to sign it and walked  
20 out of the room? I am just trying to figure out  
21 exactly what happened.

1 A. Yes.

2 Q. Mr. Queen walked out of the office?

3 A. Yeah. He had a few things to say, if I  
4 remember correctly. I don't know, something about  
5 his cell move, and he had a buddy, and I don't  
6 remember exact words, so it is no need for me even  
7 quote what I thought he said.

8 Q. A derogatory comment?

9 A. Yeah.

10 Q. If Mr. Queen submitted his request slip on  
11 December 28th, why would he not be interviewed until  
12 January 4th?

13 A. Because the lieutenant wasn't there and we  
14 don't, I can't do cell moves. So request slips for  
15 cell moves goes to the lieutenant's box. Now, if he  
16 was in fear, I could have called another lieutenant,  
17 if he was in fear of his life.

18 Q. What if he was just --

19 A. And they would have done the same thing.  
20 They would have moved him to 4.

21 Q. What if he was not in fear of his life,

1 but was just threatened? I mean, it seems to me  
2 there is a difference, would you agree?

3 A. Yes, there is a difference.

4 Q. And you keep using the phrase, in fear of  
5 your life. But under the cell change interview form  
6 there are three categories, as we have gone over  
7 them. One of them doesn't say, Are you in fear of  
8 your life, does it? If you're threatened.

9 A. Well, no. Not to move a few doors down  
10 from where the problem is. That's, I mean, he eats  
11 with him. He will go to chow with him. He will rec  
12 with him. He will go to courtyard with him. So,  
13 threatened, he could get him any time he wanted.

14 The only way you relieve that situation is  
15 to get him out of general population.

16 Q. What if the situation --

17 A. And he was told that.

18 Q. I am sorry?

19 A. He was told that.

20 Q. Mr. Queen was told that?

21 A. Yes. That he would have to be moved to

1 Housing Unit 4 to get out of the general population.

2 He knew that.

3 Q. What if the only reason an inmate is being  
4 threatened is because he refuses to move out of the  
5 cell?

6 A. That don't make good sense.

7 Q. If one inmate did not want --

8 A. He can't move out of a cell. All inmates  
9 know they can't just move out of a cell. They can  
10 refuse housing, but they can't move out. They don't  
11 have a choice of where they are going to sleep.

12 Q. If they are being threatened by their cell  
13 buddy, is it your responsibility to make sure that  
14 they're not in fear and they're not threatened by  
15 their cell buddy?

16 A. I can't stop his cell buddy from  
17 threatening him, or so he says. His cell buddy might  
18 not have said that. His cell buddy probably denied  
19 the whole thing, so --

20 Q. Did you interview Mr. Barnes?

21 A. I didn't interview him, no.